

SENATE BILL No. 993

May 25, 2016, Introduced by Senator CASPERSON and referred to the Committee on Government Operations.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1181.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1181. (1) IF A PUPIL ENROLLED IN A SCHOOL DISTRICT,
2 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY ASSERTS THAT
3 THE PUPIL'S GENDER IS DIFFERENT FROM THE PUPIL'S BIOLOGICAL SEX,
4 AND IF THE PUPIL'S PARENT OR LEGAL GUARDIAN CONSENTS TO THAT
5 ASSERTION IN WRITING TO A PUBLIC SCHOOL ADMINISTRATOR, OR IF THE
6 PUPIL IS AT LEAST AGE 18 OR AN EMANCIPATED MINOR AND MAKES THE
7 ASSERTION IN WRITING TO A PUBLIC SCHOOL ADMINISTRATOR, THE SCHOOL
8 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
9 SHALL PROVIDE THE PUPIL WITH A REASONABLE ACCOMMODATION. FOR THE
10 PURPOSES OF THIS SUBSECTION, A REASONABLE ACCOMMODATION IS ONE THAT

1 DOES NOT IMPOSE AN UNDUE HARDSHIP ON A SCHOOL DISTRICT,
2 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY. A
3 REASONABLE ACCOMMODATION MAY NOT INCLUDE THE USE OF A PUPIL
4 RESTROOM, LOCKER ROOM, OR SHOWER ROOM DESIGNATED FOR USE BY PUPILS
5 OF THE OPPOSITE BIOLOGICAL SEX IF PUPILS OF THE OPPOSITE BIOLOGICAL
6 SEX ARE PRESENT OR COULD BE PRESENT. A REASONABLE ACCOMMODATION MAY
7 INCLUDE A SINGLE-OCCUPANCY RESTROOM, A UNISEX RESTROOM, OR THE
8 CONTROLLED USE OF A RESTROOM, LOCKER ROOM, OR SHOWER ROOM THAT IS
9 DESIGNATED FOR USE BY FACULTY.

10 (2) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
11 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL
12 ENSURE THAT ALL OF THE FOLLOWING ARE MET:

13 (A) A RESTROOM, LOCKER ROOM, OR SHOWER ROOM THAT IS LOCATED IN
14 AN ELEMENTARY OR SECONDARY SCHOOL UNDER THE CONTROL OF THE BOARD OR
15 BOARD OF DIRECTORS, IS DESIGNATED FOR PUPIL USE, AND IS ACCESSIBLE
16 BY MULTIPLE PUPILS AT THE SAME TIME SHALL BE DESIGNATED FOR AND
17 USED ONLY BY PUPILS OF THE SAME BIOLOGICAL SEX.

18 (B) A PUBLIC SCHOOL PUPIL PARTICIPATING IN A SCHOOL-SPONSORED
19 ACTIVITY OFF SCHOOL PREMISES THAT INCLUDES BEING IN A STATE OF
20 UNDRESS IN THE PRESENCE OF OTHER PUPILS SHALL USE ONLY A RESTROOM,
21 LOCKER ROOM, OR SHOWER ROOM DESIGNATED FOR AND USED ONLY BY PUPILS
22 OF THE SAME BIOLOGICAL SEX.

23 (3) A SCHOOL ADMINISTRATOR, SCHOOL COUNSELOR, OR TEACHER WHO
24 HAS REASONABLE CAUSE TO SUSPECT CHILD ABUSE OR NEGLECT WITH REGARD
25 TO A PUPIL DESCRIBED IN THIS SECTION SHALL COMPLY WITH THE
26 REPORTING REQUIREMENTS OF SECTION 3 OF THE CHILD PROTECTION LAW,
27 1975 PA 238, MCL 722.623, AS PROVIDED UNDER THAT SECTION.

1 (4) AS USED IN THIS SECTION, "BIOLOGICAL SEX" MEANS THE
2 PHYSICAL CONDITION OF BEING MALE OR FEMALE AS DETERMINED BY A
3 PERSON'S CHROMOSOMES AND ANATOMY AS IDENTIFIED AT BIRTH.

4 Enacting section 1. This amendatory act takes effect 90 days
5 after the date it is enacted into law.